

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 2-4, 7-12, 14-22, 28-32, 35-40, and 42-50 are pending. Claims 28 and 29, which are independent, are hereby amended. Claim 39 is also amended. Claims 1, 5, 6, 13, 23-27, 33, 34, and 41 have been canceled without prejudice or disclaimer of subject matter. Support for this amendment is provided throughout the Specification as originally filed and specifically on pages 25-26 and Figure 2-3.

No new matter has been added. It is submitted that these claims, as originally presented, were in full compliance with the requirements of 35 U.S.C. §112. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicant is entitled.

II. CLAIM TO PRIORITY

In response to the comments regarding the claim to priority, Applicant submits that the present application is a Continuation of U.S. Serial No. 09/213,434, now U.S. Patent No. 6,850,279, filed December 17, 1998, which claims a priority to PCT/DK97/00261, filed June 17,

1997, which claims the benefit of Denmark 0676/96 filed June 18, 1996. Therefore, the present application has an effective filing date of June 18, 1996.

The Office Action denied the claim of priority date of June 18, 1996 based on the fact that U.S. Patent No. 6,850,279 was filed more than one year after the filing date, June 17, 1997, of the International Application PCT/DK97/00261. Applicant respectfully disagrees.

MPEP 1893.03(c)I states:

“If priority was properly claimed in the international stage of the international application, the claim for priority is acknowledged.”

Applicant respectfully submits that U.S. Patent No. 6,850,279 properly claimed the priority when International Application PCT/DK97/00261 was still in the international stage. Therefore, the claim of priority of June 18, 1996 should be awarded.

III. REJECTIONS UNDER 35 U.S.C. §102(e) and §103

Claims 2-7, 11-19, 22, 28-35, 39-47 and 50 were rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent No. 6,498,624 B1 to Ogura et al. (hereinafter, merely “Ogura”).

Claims 20, 21, 48 and 49 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Ogura.

IV. RESPONSE TO REJECTIONS

Claim 28 recites, *inter alia*:

“...a back lens group having a second optical axis,

wherein the first optical axis is substantially parallel with a

height direction of the lens system,

wherein the second optical axis is substantially parallel with a length direction of the lens system so that a plurality of lenses are included in the back lens group without increasing the height of the lens system, and

wherein the back lens group includes an aperture stop having surface substantially perpendicular with the second optical axis.” (Emphasis added)

Applicant respectfully submits Ogura fails to teach or suggest wherein the first optical axis is substantially parallel with a height direction of the lens system, and wherein the second optical axis is substantially parallel with a length direction of the lens system so that a plurality of lenses are included in the back lens group without increasing the height of the lens system, and wherein the back lens group includes an aperture stop having surface substantially perpendicular with the second optical axis, as recited in claim 28.

Ogura (see Figure 1) has the back lens group made of G2, G3, and G4. Applicant submits that since the G2, G3, and G4 are not aligned with each other, the back lens group of Ogura has multiple optical axes in contrast with Applicant’s claimed a back lens group having a second optical axis, as recited in claim 28.

Furthermore, Ogura’s aperture stop (see element 30 of Figure 1) is not in the back lens group. The surface of the aperture stop of Ogura is parallel to the optical axes of G2, G3, and G4 in contrast with Applicant’s claimed the back lens group includes an aperture stop having surface substantially perpendicular with the second optical axis, as recited in claim 28.

Therefore, Applicant respectfully submits that claim 28 is patentable.

For reasons similar to those described above with regard to independent claim 28, the independent claim 29 is also patentable.

V. DEPENDENT CLAIMS

The other claims in this application are each dependent from one of the independent claims discussed above and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

Similarly, because Applicant maintains that all claims are allowable for at least the reasons presented hereinabove, in the interests of brevity, this response does not comment on each and every comment made by the Examiner in the Office Action. This should not be taken as acquiescence of the substance of those comments, and Applicant reserves the right to address such comments.

VI. RESPONSE TO DOUBLE PATENTING REJECTION

Claims 2-22 and 28-50 were rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable to claims 1-22 of U.S. Patent No. 6,850,279 in view of Ogura.

Applicant respectfully submits that claim 2-4, 7-12, 14-22, 28-32, 35-40, and 42-50 are amended and patentably distinct from claims 1-22 of U.S. Patent No. 6,850,279 in view of Ogura. Withdrawal of the non-statutory obviousness-type double patenting is requested.

CONCLUSION

In the event the Examiner disagrees with any of the statements appearing above with respect to the disclosures in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate the portion, or portions, of the reference, or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicant respectfully requests reconsideration and early passage to issue of the present application.

Respectfully submitted,

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